

**Onslow County Animal Services
CODE OF ORDINANCES**

CHAPTER 4 - ANIMALS

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Chapter 4. Onslow County Animal Services Ordinance

This chapter shall be known and may be cited as the Onslow County Animal Services Ordinance.

Sec. 4-1. Purpose

- 1) The purposes of this chapter are to:
 - a. Ensure that animals are treated in a humane manner,
 - b. Protect the citizens of Onslow County from rabies and other diseases transmitted by unconfined, uncontrolled, or unimmunized animals; and
 - c. Regulate animals that may be a nuisance or pose a risk to the safety of humans and other animals.
 - d. It is not the intent of this chapter to conflict with the North Carolina General Statutes (N.C.G.S.) regulating, restricting, authorizing or otherwise affecting dogs used for purposes of hunting, if the dogs are under the immediate control of the owner and are being used in compliance with applicable statutes, regulations, or ordinances.
 - e. It is not the intent of this chapter to further regulate the normal practices of raising "farm animals" as defined in N.C.G.S., Section 153A-145.4

Sec. 4-2. Application and Severability

- 1) The County may promulgate and establish such rules and regulations as may be necessary to give effect to the intent and purpose of this Chapter.
- 2) The County may impose such fines and fees as are necessary to the implementation and administration of this chapter and as are approved by resolution of the Board of County Commissioners
- 3) This chapter shall be effective within the unincorporated areas of Onslow County and within all municipalities and townships which have a standing resolution or ordinance adopting this chapter
- 4) If any section, subsection, sentence, clause, or provision of this chapter shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this article

Sec. 4-3. Definitions

- 1) As used within this chapter, the following words, terms and phrases shall have the meanings indicated within this section. No attempt is made to define any words which are used in accordance with their established dictionary meaning except when necessary for purposes of clarification.
 - (a) "**Abandon**" shall mean to forsake, neglect or refuse to provide for the care, sustenance, protection, and shelter of an animal by any person being the owner or possessor of such animal.
 - (b) "**Adequate food**" shall mean the provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container

that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

- (c) **“Adequate Shelter”** shall mean the provision of an enclosure to keep the animal out of the direct path of natural elements, at an appropriate temperature level, and able to move about freely and lie comfortably:
 - a. The enclosure shall be a wind-proof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor raised off the ground, (excluding range animals) with, an opening entrance large enough to allow access for the animal but placed in such a way as to keep the animal out of the direct path of natural elements.
 - b. The enclosure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving or the equivalent.
 - c. The enclosure and containment area shall be free of accumulated waste and debris so that the animal shall be free to walk freely or lie down without encountering any such waste or debris. A suitable method of drainage shall be provided to eliminate rapidly excess water or moisture.
 - d. No animal may be confined in a building, enclosure, car, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Barrels, transport cages and airline crates are not acceptable for use as proper shelter for animals.
- (d) **“Adequate water”** shall mean the provision of constant access to a supply of clean, fresh, potable water, sufficient to maintain the health and well-being of each animal. Such water shall be provided in a clean receptacle, dish or container and must not be frozen nor too hot to be utilized for drinking.
- (e) **“Animal”** shall mean every nonhuman primate, vertebrate creature, except for fish.
- (f) **“Animal Bite”** shall mean an occurrence during which the teeth of an animal either scratch or break the skin of a human being or another animal, without regard to the specific location of the injury.
- (g) **“Animal Cruelty Investigator”** Shall mean any person(s) employed with Onslow County Animal Services and is designated by the Board of County Commissioners to investigate reports of Animal Cruelty or abuse pursuant to Article 4 Chapter 19A of N.C.G.S. Animal Cruelty Investigator(s) shall attend and satisfactorily complete an animal cruelty investigator course or have experience in animal cruelty investigations.
- (h) **“Animal Control Officer”** Shall mean any person(s) employed by the Onslow County Animal Services, entrusted with the duties of enforcing all states laws and county ordinances pertaining to the management, welfare, and control of all animals within Onslow County.
- (i) **“Animal Shelter”** shall mean any premises or facility designated by the County for the purposes of impounding and caring for any animal found to be seized, stray, abandoned, quarantined, running at large or otherwise subject to impounding under the authority of the N.C.G.S. and the North Carolina Animal Welfare Act. This term includes shelters under contract

with, owned operated, or maintained by either local government or a nonprofit organization devoted to the welfare, protection, rehabilitation or humane treatment of animals.

- (j) **“At large”** shall mean not on the owner’s property and not under the immediate, continuous physical control, charge or possession of the owner or other responsible person, such as by means of fence, cord or chain of sufficient strength to restrain the animal.
- (k) **“Dangerous/vicious dog”** shall mean any dog that per the records of the Onslow County Animal Services or other animal control or law enforcement authority.
 - a. Has, without provocation, killed or inflicted severe injury upon a person;
 - b. Has been deemed dangerous/vicious in another County or State;
 - c. Has been used primarily or in part for dog fighting or is trained for dog fighting; or
 - d. is determined by the person or Board designated by the county for Animal Services to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under the definition of “Potentially dangerous dog”.
- (l) **“Direct control”** shall be defined as immediate and continuous physical control of an animal at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the same; or in case of specifically trained or hunting animals which immediately respond to such commands, direct control shall also include aural or oral control, if the controlling person is at all times clearly and fully within obstructed sight and hearing of the animal.
- (m) **“Harboring”** shall mean the act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of at least forty-eight (48) hours. Harboring shall not include circumstances where an individual captures an animal and immediately notifies Animal Services of the animal’s location.
- (n) **“Home Confinement”** shall mean the animal is kept isolated from the public within the owner’s physical dwelling or attachment thereon, or within the owner’s yard, appropriately chained, in an enclosed kennel or otherwise under the immediate control of the adult owner or adult member of the owner’s family by being muzzled or on a foot lead.
- (o) **“Impounded”** Shall mean any animal which is received into custody by an employee of Onslow County Animal Services
- (p) **“Medical Attention”** shall mean the provision of reasonable medical attention when the animal is, or has been suffering from illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.
- (q) **“Owner”** Shall be defined as any person, group of persons, firm, partnership, corporation, organization, business, trust, estate or other legal entity owning, harboring, having control or custody of an animal. In the case the owner is under eighteen (18) years of age, that person’s parent or legal guardian will be responsible.
- (r) **“Owner’s real property”** shall mean any real property owned or leased by the owner of the animal but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse

development.

- (s) **“Potentially dangerous dog”** shall mean any dog that per the records of the Onslow County Animal Services or other animal control or law enforcement Authority
 - a. Has, inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
 - b. killed or inflicted severe injury upon a domestic animal when not on the owner’s real property;
 - c. approached a person when not on the owner’s property in a vicious terrorizing manner in an apparent attitude of attack.
- (t) **“Provocation”** shall mean any action designed to goad, inflame, instigate, or stimulate an aggressive or defensive response on the part of an animal. It shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked animal.
- (u) **“Puppy mills/Puppy farms”** shall mean any commercial dog breeding facility that is operated with an emphasis upon obtaining profits without regard to animal welfare, often operating under grossly substandard conditions.
- (v) **“Rabies vaccination”** shall mean the vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by an Onslow County Staff member, or veterinarian.
- (w) **“Reasonable attempts”** shall mean to locate owners by scanning for a microchip, checking for a rabies tag, and attempting to make contact where contact information is available.
- (x) **“Restraint”** shall mean controlled by means of a chain, leash, or other like device secured in such a manner as to prevent the animal from running freely, escaping or causing injury to others.
- (y) **“Severe injury”** shall mean any physical injury to a human being or domestic animal that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery. Such injury may be the direct result of an animal attack or the indirect result as when an injury is sustained during an attempt to avoid the animal.
- (z) **“Sterilization”** shall mean any surgical or chemical procedure, such as a neuter or spay, performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.
- (aa) **“Stray”** shall mean any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.
- (bb) **“Wildlife/fowl”** shall mean any animal/fowl of any kind which is indigenous to the State of North Carolina, but not included in the definition of a domestic animal/fowl and shall include any hybrid animal/fowl which is part wild animal/fowl.

Sec. 4-4. Establishment, Composition, and General Duties of Animal Services and Animal Control Officers

- 1) Animal Services Department of Onslow County shall be composed of such employees or officials as determined by the Board of County Commissioners.
- 2) Employees or agents enforcing this chapter shall be designated as Animal Control Officers. In the performance of their duties, Animal Control Officers shall have all the powers, authority and immunity granted under this ordinance and by the North Carolina General Statutes to enforce the provisions of this ordinance relating to the care, treatment, control or impounding of animals including:
 - a. Enforcing in the county all state or county laws, ordinances and resolutions relating to the care, custody and control of animals;
 - b. Cooperating with the Public Health Director and assisting in the enforcement of the laws of the state with regards to animals, especially about vaccination of dogs, cats and ferrets against rabies and the confinement or leashing of vicious animals (without limiting the foregoing, reference is particularly made to the State laws as set out and contained in G.S. 130A-184 to 130A-201).
 - c. Operating the county animal shelter pursuant to regulations adopted by the Board of County Commissioners and guidelines established by the North Carolina Department of Agriculture and Consumer Services;
 - d. Seize and impound animals, as deemed necessary, following a violation of any state statute or local ordinance;
 - e. Protecting animals from neglect and abuse. Investigating cruelty or animal abuse regarding dogs, cats and other animals and enforcement of state law and county ordinance regarding cruelty;
 - f. Keep accurate and detailed records of seizures, impoundments and disposition of animals coming into the custody of Animal Services for any reason enumerated herein
- 3) It shall be unlawful to interfere with, hinder, molest, resist, or obstruct either employees of Animal Services or licensed veterinarians in the performance of any duty authorized by State Statute or Local Ordinance.

Sec. 4-5. Animal Services Director

- 1) The Animal Services Director is the person designated by the County Board of Commissioners to be responsible for determining whether a dog is a "dangerous/vicious dog" or "potentially dangerous dog" pursuant to Article 1A, Chapter 67 of the N.C.G.S.

Sec. 4-6. Animal Services Advisory Committee

- 1) The Animal Services Advisory Committee was created by the Board of County Commissioners to assist with developing public policies concerning animal issues such as shelter programs and services, and to assist in the goal setting and long-range planning for Animal Services.
- 2) The Animal Services Advisory Committee is also directed to review and make recommendations on reducing pet overpopulation in Onslow County and reducing the intake of animals within the shelter.
- 3) The Animal Services Advisory Committee shall not operate in a regulatory or authoritative capacity.

Sec. 4-7. Animal Shelter

- 1) The county shall maintain an animal shelter for impounding lost, strayed, abandoned or unwanted animals, subject to the following provisions:
 - a. Impounded animals are to be held a minimum of seventy-two (72) hours
 - i. During this time, Animal Services will make every reasonable effort to contact the owner(s) of any identified animals regarding the location and status of the animal. (G.S. 130A-192 & 19A-32.1)
 - b. The Animal Shelter may be used for the confinement and observation of an animal following its classification as a dangerous/vicious or potentially dangerous dog or following a biting incident which resulted in serious injury if the owner is unable to provide a secure enclosure. The animal will be quarantined for the appropriate time of observation. (N.C.G.S. 130A- 196 & 153A-442)

Sec. 4-8. Cruelty and Neglect to Animals

- 1) It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject any animal to conditions detrimental to its health or general welfare, or to cause or procure such action(s). The words "torture" and "torment" and the term "cruelly beat or treat" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused.
 - a. Nothing in this section shall be construed to prohibit an Animal Control Officer, his\her agents or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.
 - b. Nothing in this section shall be construed to prohibit the use of force against an animal which is in the act of causing severe injury to human being or a domestic animal.
- 2) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.
- 3) It shall be unlawful for an owner of any animal to permit injury or infliction of pain upon an animal caused by an improperly fitting or embedded collar, harness, or halter.
- 4) It shall be unlawful for any person(s) to operate and/or maintain a puppy mill or puppy farm.
- 5) It shall be unlawful for an owner of any animal to intentionally abandon that animal on a street, road, highway, or on public or private property without provision for its continuous care, sustenance, and shelter.
 - a. When there is reasonable suspicion that an animal has been abandoned on public property, the animal may be impounded immediately.
 - b. When there is reasonable suspicion the animal has been abandoned on private property, within a house or a fenced area, Animal Services will first make a reasonable effort to locate the owner or manager of the premises or property prior to impounding the animal.
 - i. The premises or property will be posted for twenty-four (24) hours

- after which time the animal may be removed from the location and impounded in conjunction with an appropriate warrant to seize the animal obtained by an Animal Control Officer.
- ii. If the owner contacts Animal Services to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the Animal Services Director before the animal may be redeemed.
 - iii. If the animal is unclaimed by its owner after seventy-two (72) hours of notification, the animal shall become the property of Onslow County and may be adopted, fostered, transferred or humanely euthanized.
- 6) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle for such a period as to endanger the health or well-being of such animal due to temperature, lack of food or water, and such other conditions as may reasonably be expected to cause suffering, disability or death.
- a. When there is reasonable suspicion that the animal has been placed or confined in a motor vehicle to its detriment and in violation of this Section, Animal Services will make a reasonable effort to locate the driver of the vehicle.
 - b. If the driver is unable to be located, an Animal Control Officer may assist a sworn Law Enforcement Officer in entering the vehicle and removing the animal for impoundment.
 - c. The Animal Control Officer shall leave written notice of the impoundment including a brief description of the animal and where it may be redeemed in a prominent place on the motor vehicle.
- 7) It shall be unlawful for any person to leave or deposit poison or any substance containing poison in any common street, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person.
- 8) It shall be unlawful for any person who causes injury to a domesticated animal, including but not limited to, running over or hitting a domesticated animal with any vehicle, regardless of intent, to fail to immediately notify at least one of the following:
- a. The owner(s) of the animal (if known or ascertainable with reasonable effort)
 - b. Animal Services
 - c. Law Enforcement
- 9) It shall be unlawful to use an animal for fighting, training other animals for fighting, or using an animal as bait to encourage fighting between other animals. This also prohibits any person profiting from, participating in, or being present for any animal fighting/baiting.
- 10) Nothing in this section shall be construed to further regulate the normal practices of raising "farm animals" as defined within N.C.G.S., Section 153A-145.4.
- 11) The penalty for a violation of this Section shall be as set forth in Section 4-29 of this Chapter.

Sec. 4-9. Duty of Owner to Control Animals

- 1) It shall be unlawful for any animal to be outside of the immediate control of its

owner.

- 2) For the purpose of this Section, "immediate control" shall mean:
 - a. Confined upon the property or leased premises of the owner or keeper; or
 - b. Under the direct physical control of the owner; or
 - c. Restrained by a leash connected to a collar or harness sufficient to prevent the animal from breaking loose, during instances where the animal is being walked or exercised off the property or leased premises of the owner
 - d. Cats shall be exempt from the provision of Section 4-9(2)(c).

Sec. 4-10. Possession of Animals Owned by Another

- 1) It shall be unlawful for any person, without the consent of the owner, to knowingly and intentionally harbor, possess or confine any animal that does not belong to him/her and whose owner is reasonably identifiable, without having notified Animal Services of the animal's location within seventy-two (72) hours.
- 2) It shall be unlawful for any person, other than the owner of an animal, to remove the collar, license tag or rabies tag from around the neck of an animal without the consent of the owner.
- 3) The penalty for a violation of this Section shall be set forth in Section 4-29 of this Chapter.

Sec. 4-11. Dogs At-Large Prohibited

- 1) It shall be unlawful for any person to permit any dog to be at-large upon any public property or street, sidewalk, park, or on the private property of another person without his/her consent.
- 2) Provided sufficient precautions are taken by the owner to ensure the safety and protection of both the public and other animals, a dog will not be considered at-large if:
 - a. The dog is under the direct control of its owner; or
 - b. The dog is engaged for purposes of hunting; or
 - c. The dog is engaged for purposes of an obedience demonstration, show, trial training exercise, competition, or another educational program; or
 - d. The dog is subject to enclosure using an electronic confinement system, if all equipment is properly worn, utilized, and maintained in continuous working order.
- 3) The penalty for a violation of this Section shall be as set forth in Section 4-29 of this Chapter.

Sec. 4-12. Nuisance Animals Prohibited

- 1) It shall be unlawful for any person to own, keep, possess or maintain an animal in a manner, to constitute a nuisance.
- 2) For the purpose of this Section, "nuisance" shall mean an animal that causes any disturbance, threat or damage to a person's rights and/or safety or an animal that causes any interference with a person's ordinary use and enjoyment of property, including but not limited to an animal that:
 - a. Barks, whines, howls or creates other noise in an excessive, continuous or untimely manner;

- b. Knocks over garbage pails;
 - c. Damages gardens, flowers or vegetables;
 - d. Damages real or personal property;
 - e. Chases, snaps at, attacks or otherwise interferes with pedestrians, bicyclists,
 - f. Carries disease and constitutes potential danger to public health, unless under the documented care of a licensed veterinarian
- 3) The penalty for a violation of this Section shall be as set forth in Section 4-29 of this Chapter.

Sec. 4-13. Destruction of Animals That Cannot Be Seized by Reasonable Means

- 1) Notwithstanding any other provision of this Chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap, or tranquilized by an animal control officer, may be humanely destroyed in the field upon the authorization of the Animal Services Director.

Sec. 4-14. Setting Humane Animal Traps and Authority to Receive Trapped Animals

- 1) Animal Services is authorized to place, upon request, live animal traps on public or private property for removing and impounding stray, at large, unwanted, or nuisance animals
- 2) It shall be unlawful for any person other than an Animal Control Officer to remove any animal from the trap, or to damage, destroy, move or tamper with a trap.
- 3) The penalty for a violation of this Section shall be as set forth in Section 4-29 of this Chapter.

Sec. 4-15. Determination of Dangerous/Potentially Dangerous Dogs

- 1) When an incident involving any Dangerous or Potentially Dangerous dog is reported, Animal Services shall investigate during confinement as defined in Sec. 4-27.
- a. When the confinement period for the investigation is located at Animal Services the owner shall be responsible for any cost of care.
 - b. Failure to pay cost when required shall be deemed a waiver of all rights regarding the animal.
- 2) Following the investigation, the Animal Services Director will issue a determination as to whether sufficient cause exists to classify the dog as Dangerous or Potentially Dangerous, as defined in Sec. 4-3.
- a. If a dog is determined to be either Potentially Dangerous or Dangerous, it will be treated as dangerous for purposes of enforcing this ordinance;
 - b. Animal Services shall promptly notify the owner of the determination in writing by registered mail, certified hand delivery, or service of process in conformance with Chapter 48 of the N.C.G.S.
 - c. Animal Services shall immediately impound the dog pending compliance with Section 4-22 or pending the outcome of any appeal.
- 3) If the owner does not wish to appeal the determination, the owner shall be given fourteen (14) calendar days from the date of notification, unless otherwise

specified, to comply with provisions of Section 4-19, whereby the dog may be released from impoundment.

- 4) If the owner does wish to appeal the determination, appellate procedures will occur as provided for in Section 4-17.
- 5) 5) The owner within fourteen (14) calendar days from the date of notification, shall obtain a certificate of registration for the dog from Animal Services and the certificate shall be renewed annually at the set fee determined by the Board of County Commissioners.

Sec. 4-16. Exceptions for Dangerous/Potentially Dangerous Dogs

- 1) No dog may be declared Dangerous or Potentially Dangerous if the threat, injury or damage was sustained by a person who at the time;
 - a. was committing a trespass or another tort;
 - b. was teasing, tormenting, abusing, or assaulting the dog;
 - c. has in the past been observed or reported to have teased, tormented, abused or assaulted the dog;
 - d. was committing or attempting to commit a crime.
- 2) Neither shall an animal be declared Dangerous or Potentially Dangerous if the dog is
 - a. being used by a law enforcement officer to carry out official duties;
 - b. being used in lawful hunting, herding or predator-control.

Sec. 4-17. Appeal of a Determination of a Dog as Dangerous/Potentially Dangerous

- 1) The owner of the dog will have three (3) working days beginning on the date the determination was received to issue a written objection of the final determination to the Dangerous Dog Appeals Board. The appeal must be postmarked by the third day.
- 2) The Dangerous Dog Appeals Board will schedule a hearing on the determination within ten (10) days of the filing of the owner's written objection and will issue a determination that a dog is dangerous or potentially dangerous.
- 3) Any further appeal from the determination by the Dangerous Dog Appeals Board shall be heard in Superior Court. A petition for review must be filed within ten (10) days of the determination by the Dangerous Dog Appeals Board.

Sec.4-18. Dangerous Dog Appeals Board

- 1) The Dangerous Dogs Appeals Board shall include a maximum of five (5) persons appointed and designated by the Onslow County Board of Commissioners to review and affirm or reverse potentially dangerous and dangerous dog determinations by the Animal Services Director pursuant to this Article and Article 1A, Chapter 67 of the North Carolina General Statutes.

Sec.4-19. Duties of Owner of Dangerous/Potentially Dangerous Dogs

- 1) Following the classification of a dog as Dangerous or Potentially Dangerous, the owner shall be required to comply with the following provisions within fourteen (14)

calendar days from the date of notification unless otherwise specified within the determination:

- a. The owner will not leave the dog alone on the property unless the dog is indoors or in a secure enclosure that has been inspected and approved by Animal Services.
- b. The owner will provide a secure enclosure for the dog.
 - i. "Secure enclosure" shall mean either indoors or in an outdoor structure consisting of secure sides, cover and floor constructed from at least nine (9) gauge chain link fencing that is at least six (6) feet high all the way around and designed to prevent escape over, under, or through and to prevent the entry of children.
 1. If the floor of the structure is constructed of dirt, the requirement is for the fencing to be at least eight (8) feet high all the way around with at least two (2) feet buried into the ground or sunken into a concrete pad. The concrete pad must be placed along the inside perimeter of the fencing, must be at least twenty-four (24) inches wide and must be at least four (4) inches thick.
 2. The structure shall be kept locked
 3. The structure shall not hinder the dog's ability to move freely within its confines and shall provide the dog protection from the natural elements.
 4. These requirements may be modified for safety reasons following approval by the Animal Services Director.
- c. The owner will affix a "Beware of Dog" sign on both the property and the dog's secure enclosure so that the sign is in the plain-view of the public, visible from the driveway and other common entrance(s).
- d. The owner will have the dog implanted with a microchip so that it may be permanently identified.
 - i. The owner will be responsible for any cost associated with the implantation; and
 - ii. The owner will provide proof of registration of the implantation to Animal Services, where it will be maintained along with a physical description and photograph of the dog; and
 - iii. The owner will allow Animal Services to read the implant during regular inspections or if the identification of the dog is in question, and the owner will assist Animal Services with this process.
 - iv. The owner will have twenty (20) days from the date of notification [to comply.
- e. The owner will have the dog sterilized as defined in Section 4-2.
 - i. The owner will be responsible for any cost associated with the sterilization; and
 - ii. The owner will have twenty (20) days from the date of notification to comply.
- f. The owner will provide Animal Services with access to the property or premises where the dog is located so that they may conduct inspections and determine compliance with these provisions.
- g. The owner will secure the dog using a collar or harness, leash not to exceed six (6) feet in length, and a muzzle during any such time that the dog is off

the owner's property or premises such as for transport or exercise.

- h. The owner will notify Animal Services as least three (3) working days prior to relocation of the dog and provide all updated contact information including the new address or location.
- i. The owner will notify Animal Services within ten (10) days of the dog's death.
- j. The owner will not give away, sell, trade, place for adoption, or otherwise transfer the dog without written permission from Animal Services and written notification to the person taking possession of the dog about the dog's dangerous behavior and determination, if applicable.
 - i. Authorization for the transfer of dangerous dogs will only be to individuals residing outside of Onslow County.
 - ii. Authorization for the transfer of potentially dangerous dogs will be to individuals residing within or outside of Onslow County.

Sec. 4-20. Penalties for Dangerous/Potentially Dangerous Dog Violations

- 1) Any violation of the terms of ownership of a "Dangerous or Potentially Dangerous" dog will result in the issuance of a citation carrying a maximum fine of five-hundred dollars (\$500.00) per offense.
 - a. Each day's violation shall be considered a separate and distinct offense.
- 2) The dog will be impounded and held until the violation is remedied, and all debts are paid in full, or until the animal has been surrendered.

Sec. 4-21. Impoundment of Animals

- 1) It shall be the duty of the Animal Services to seize and impound, any animal, found to be in violation of the provisions of this Chapter, any animal surrendered by its owner, or any animal quarantined for observation.
 - a. Impounded animals shall be identified by permanent records which indicate the date of impoundment, sex, color, general description, and breed.
 - b. Owners of impounded animals will be held responsible for all established fees, including but limited to impoundment fees and daily maintenance fees, without regard to the reason (violation, surrender or quarantine) for the animal's impoundment.
 - c. The payment of established fees shall not bar the imposition of any additional fine, which may be imposed for violations as set forth in Section 4-29 of this Chapter.
- 2) If an impounded animal can be traced to its owner through reasonable attempts notification will be provided when the animal is in custody of Animal Services.
 - a. Upon proof of ownership and payment of established fees, the animal shall be returned to its owner, unless otherwise so provided for by the owner in writing.
- 3) If an impounded animal cannot be traced to its owner, or if a duly-notified owner fails to redeem an animal within the required holding period of seventy-two (72) hours the animal shall become the property of Onslow County and may be adopted, temporarily fostered, transferred or humanely euthanized.

Sec. 4-22. Impounded Animals in a State of Pain/Suffering and Humane Euthanasia

- 1) If an impounded animal has no identification and readily appears to be seriously injured, wounded or diseased, it shall be immediately euthanized in a humane manner, without regard to the seventy-two (72) hours redemption period. (N.C.G.S. 19A-32.1(b) (2).
- 2) If an impounded animal has identification and readily appears to be seriously injured, wounded or diseased, the Animal Services Director or a designated Animal Services representative shall expeditiously attempt to contact the owner.
 - a. If the owner cannot be reached within a seventy-two (72) hour waiting period and the animal is apparently suffering, the Animal Services Director may cause the animal to be euthanized in a humane manner in his/her discretion.
- 3) If an impounded animal is presented to a veterinarian who exercises his/her professional judgement that the animal should be humanely euthanize due to its suffering from injury, wound or disease, then the veterinarian shall be acting as an agent for the County in euthanizing the animal and shall not be held professionally liable for his/her action.
- 4) Animal Services or its agent acting in compliance with the provisions of this Chapter shall have no liability for the humane euthanasia of injured, wounded or diseased animals in an apparent state of suffering.

Sec. 4-23. Redemption of Animals

- 1) Animals which have been impounded and are not suffering from or suspected to have an infectious or contagious disease and are not injured to such an extent that it would cause unjustifiable pain or suffering, shall be held for redemption for a minimum of seventy-two (72) hours, excluding legal holidays.
 - a. Animals that are not claimed within the time-limit specified will become the property of Onslow County and may either be placed for adoption, temporarily fostered, transferred or humanely euthanized.
 - b. The Animal Services Director or a designated Animal Services representative shall expeditiously attempt to contact the owner of any impounded animal wearing a current tag or an implanted microchip before either disposition occurs.
- 2) Every animal redeemed by its owner shall be microchipped prior to its release from Animal Services.
- 3) Animal Services shall create and maintain a permanent record describing the final disposition of an animal including the applicable dates, names, and addresses, and payment of fees.
 - a. Monies received from established fees, fines and adoptive placement will be turned over the County in accordance with finance policies.
- 4) Animal Services shall not release any live animal for sale or donation to research laboratories or related facilities, as breeding stock for puppy mills or as wholesales for further resale for use in any illegal entrapment or fighting, or for human consumption.
- 5) Any person who adopts an animal in compliance with the provisions of this Chapter shall thereafter become the legal owner of the animal.

Sec. 4-24 Adoption of Animals

- 1) Any person adopting an animal from Animal Services shall be required to sign an adoption contract and pay adoption fees as approved by the Onslow County Board of Commissioners.
- 2) Adopted dogs and cats must be sterilized prior to adoption or within a specified period as approved by the Animal Services Director. The adoption fee will cover the cost of sterilization if the procedure is completed by Animal Services.

Sec. 4-25. Rabies Vaccination Required for Dogs and Cats

- 1) The owner of any dog or cat in Onslow County shall have such animal vaccinated against rabies by four (4) months of age with a twelve (12) month vaccine approved by the United States Department of Agriculture and the Compendium of Rabies Control developed by the National Association of State Public Health Veterinarians.
 - a. The owner will be responsible for any cost associated with the vaccination.
- 2) The owner of any dog or cat shall revaccinate said animal twelve (12) months after the initial vaccination. Thereafter, revaccination shall occur every twelve (12) months or every three (3) years based on the type of vaccine previously administered. Veterinarians shall recognize vaccinations for their duration of immunity as indicated by the manufacturer's guidelines.
 - a. The owner will be responsible for any cost associated with the continued vaccination.
- 3) Evidence of a rabies vaccination shall consist of a County rabies vaccination certificate signed by Onslow County Animal Services staff administering the vaccine. One (1) copy of the certificate shall be retained by the veterinarian for at least one (1) year after the vaccination expires, and copies shall be distributed to the owner and to Animal Services.
- 4) The owner of any dog or cat is exempt from the requirements within this Section following written certification by a licensed veterinarian that to vaccinate would be injurious to the animal's health. However, such animal shall be vaccinated against rabies as soon as its health permits.
- 5) The owner of a dog or cat not having an attached current rabies vaccination tag must provide a valid and current rabies vaccination tag or form within Seventy-two (72) hours of a demand by any Animal Control Officer or law enforcement officer. Failure to produce the tag or form under this Subparagraph is a separate offense for each animal owned by such owner. (Ref. N.C.G.S. 130A-192)

Sec. 4-26. Reporting Animal Bites

- 1) Any person who has been bitten or has knowledge of or medically treats any person bitten by any animal shall report the incident to Animal Services with twelve (12) hours of its occurrence or when the person knew or should reasonably have known of its occurrence.
 - a. Birds and reptiles are not considered to be transmitters of the rabies virus, and therefore bites from these animals are excluded from the reporting requirements of this section.

Sec. 4-27. Suspected Rabies Cases

- 1) If Animal Services is notified that any dog or cat has bitten any person or is suspected of having or is showing suspicious symptoms associated with rabies animal Services shall require that said dog or cat be captured and confined for observation at the owner's expense for a period of ten (10) calendar days from the date of the bite.
- 2) The procedure and place of confinement and observation shall be pursuant to rules and regulations promulgated by Animal Services.
 - a. Home confinement of a dog or cat required to be confined for observation shall be allowed upon approval by Animal Services.
- 3) If rabies does not develop during the confinement period, the animal may be released to the owner with written permission from Animal Services, upon all debts having been paid in full.
- 4) It shall be unlawful for any person to refuse to surrender a dog, cat or other animal for purposes of quarantine.
- 5) It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined pursuant to the requirements of this section without the consent, approval and authorization of Animal Services.
- 6) The penalty for a violation of this Section shall be as set forth in Section 4-29 of this Chapter.

Sec. 4-28. Wild animals

- 1) All wildlife animals in Onslow County are under the authority of the North Carolina Wildlife Resources Commission (NCWRC) and/or the United States Fish and Wildlife Service (USFWS).
- 2) No one may have any wildlife animals in their possession without the proper licenses and/or permits and/or authorization of the NCWRC or USFWS.
- 3) The public can seek immediate medical help for wounded or orphaned wildlife and may temporarily have wildlife in their possession for a limited period (24 hours or less) while they seek medical help.
- 4) Licensed veterinarians may temporarily have wildlife in their possession for a limited period while they provide emergency stabilization care.
- 5) Wildlife Rehabilitators must maintain current and valid state and/or federal permits to possess wildlife.

Sec. 4-29. Enforcement and Penalties

- 1) The Animal Services Director or Animal Control Officer(s) shall have the authority to investigate alleged or suspected violations of this Chapter, to issue written citations for violation(s), and to assess penalties for violations as approved by the Board of Commissioners and provided within this Section.
 - a. Civil Penalties
 - i. The Animal Services Director or Animal Control Officer(s) shall have the authority to issue Notices of Violation and assess civil penalties in response to violations of this Ordinance.
 - ii. A Notice of Violation shall specify the nature of the violation and

assess a civil penalty that shall be paid to Onslow County within a specified period.

- iii. Civil penalties may be recovered by Onslow County in a civil action in the form of a debt.
- iv. Unless otherwise provided in this Ordinance, civil penalties shall be assessed as follows:
 - 1. \$50.00 for a first violation or for a violation occurring more than twelve (12) months after a previous violation;
 - 2. \$100.00 for a second violation occurring within twelve (12) months of a previous violation;
 - 3. \$250.00 for a third or subsequent violation occurring with twelve (12) months of a previous violation.
 - 4. Each day's violation shall be considered a separate and distinct offense.
 - 5. The Animal Services Director shall have the authority in his/her sole discretion to waive any civil penalties.

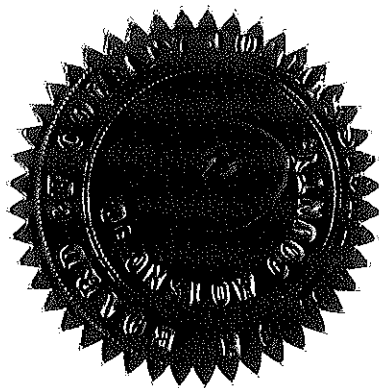
b. Criminal Penalties

- i. In addition to civil penalties prescribed in this Section, any violation of this Ordinance, shall also constitute a misdemeanor pursuant to North Carolina General Statue, Section 14-4 for which a criminal summons may be issued.
- ii. Each day's violation shall be considered a separate and distinct offense.

- c. This Ordinance may be enforced by any other appropriate equitable remedy issuing from a Court of competent jurisdiction, pursuant to North Carolina General Statue, Section 153A-123.

Sec. 4-30. Reserved

Amended this 5th day of September 2018. This Ordinance supersedes all other Onslow County Animal Control Ordinances, with an effective date of September 5th, 2018.



ON SLOW COUNTY
BOARD OF COMMISSIONERS

Jack Bright
Jack Bright, Chairman

ATTEST:
Julie S. Wand
Julie S. Wand, Clerk to the Board

